

## **EXHIBIT B**

# **Affidavit of Counsel**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-11193-NG

SHAWN DRUMGOLD, )  
                        )  
Plaintiff            )  
                        )  
vs.                    )  
                        )  
CITY OF BOSTON, ET AL., )  
                        )  
Defendants          )  
                        )

AFFIDAVIT OF COUNSEL

I, Mary Jo Harris, hereby depose and state as follows:

1. I am an attorney admitted to practice law in the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts, and the U. S. Court of Appeals for the First Circuit.

2. I am counsel for Defendant Timothy Callahan in this matter.

3. I have been present and participated in numerous conversations between Defense Counsel and Plaintiff's Counsel regarding the discovery of, and production of, trial notes kept by Steven Rappaport, and investigator notes kept in that file.

4. Counsel for Plaintiff, Rosemary Scapicchio, has repeatedly insisted that when she received Rappaport's trial file (upon assuming the case for purposes of appeal in or around 1990), there were no notes in that file.

5. As indicated in the deposition testimony of Steven Rappaport, he testified that he turned his entire trial file over to Attorney Scapicchio, and has no recollection of withholding any materials from that file when he did so.

Signed under the pains and penalties of perjury this 19<sup>th</sup> day of September, 2007.

/s/       Mary Jo Harris